

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERESA MARIE SIWKA,
et al.,

Plaintiffs,

CIVIL ACTION NO. 08-CV-12152-DT

VS.

DISTRICT JUDGE NANCY G. EDMUNDS

SMART RECOVERY
SERVICE, LLC, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO COMPEL

This matter comes before the Court on the Motion to Compel Discovery filed by Defendants Smart Recovery Service and Anthony Benavides on February 26, 2009. (Docket no. 67). Plaintiffs have not filed a response, and the time for responding has expired. All pretrial matters have been referred to the undersigned for decision. (Docket no. 75). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). This motion is now ready for ruling.

Defendants request that the Court compel Plaintiffs to respond to Interrogatories and Requests for Production of Documents served on November 4, 2008. (Docket no. 67). By not responding to this motion, Plaintiffs apparently have no objection to the granting of Defendants' motion. *See* E.D. Mich. LR 7.1(b) (respondent opposing motion must file a response). Plaintiffs should have responded within 30 days of being served this discovery. Fed. R. Civ. P. 34(b)(2)(A); 33(b)(2). This Court will therefore grant the relief requested by Defendants. Discovery is scheduled to close in this action on September 30, 2009. (Docket no. 89). **Plaintiffs' failure to comply with this Order may result in sanctions being imposed upon Plaintiffs including the dismissal with prejudice of this action.**

IT IS THEREFORE ORDERED that Defendants' Motion to Compel (docket no. 67) is **GRANTED**, and that on or before September 18, 2009 Plaintiffs serve full and complete responses to Defendants' Interrogatories and Requests to Produce served on November 4, 2008.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 28, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Theresa Marie Siwka, Richard Kenneth Christie and Counsel of Record on this date.

Dated: August 28, 2009

s/ Lisa C. Bartlett
Courtroom Deputy